

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS**
Special Meeting October 3, 2018 at 5:00 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Renee Stetzer
Susan Lhota

PZBA Attorney: Mindy L. Zoghlin, Esq.
Recording Sec: Linda Habeeb

Motion: Chairperson Vlietstra made a motion, seconded by Member Stetzer, to call the meeting to order at 5:00 pm.

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Stetzer - yes. Motion carried.

Dan Brault, 17 Church Street ~ Site Plan Review & Area Variance

Present: Dan Brault, Paramount Communities, LLC

Discussion: This is a continuation of a public hearing for conversion of the house at 17 Church Street into a single-family home. Ms. Zoghlin reviewed the process for review of this application. The applicant submitted applications for site plan approval and area variance on August 15, 2018 for the redevelopment of the house at 17 Church Street. In connection with that application, he submitted Part I of the Full Environment Assessment form, dated August 9, 2018. On August 20, the Zoning Board of Appeals considered the application and passed a Resolution declaring itself Lead Agency, and referred the application to the APRB with specific requests for information and comment on areas of architectural significance. The Board received a memorandum from the APRB addressing the comments posed by the ZBA. At the APRB's September meeting, the Board consented to the ZBA acting as Lead Agency for the environmental review of this project. The ZBA will consider the determination of environmental significance under SEQR and decide whether to issue a Positive Declaration or a Negative Declaration. The Board will be reviewing Part II of the Full Environmental Assessment form to determine if there is a potential for at least one potentially significant adverse environmental impact. If the Board finds a potentially significant adverse impact, it will issue a Positive Declaration and ask the applicant to prepare an environmental impact statement. If the Board finds that this proposal does not have the potential for at least one potentially significant adverse environmental impact, it will issue a Negative Declaration of environmental significance. At that point, the Board can address the applications for site plan approval and area variance.

Member Vlietstra added that at the August meeting, the Board reviewed Part 2 of the SEQRA Full Environmental Assessment Form and identified which questions were relevant to this action.

Village Trustee, Peggy Caraberis, submitted comments from Historic Pittsford. She stated that the cobblestone structure is a significant historic property in the Village. She commented that there are concerns with the proposal to replace all the windows, if some of the original windows can be saved. The APRB will consider this issue at their November meeting. She also raised the issue of the width of the driveway. She suggested that further research be done on the history of the property prior to making significant changes.

Mr. Brault submitted documentation showing that there was an addition on the rear of the property at one time.

The Board discussed the width of the driveway. Mr. Brault stated that there will be a 12-foot wide driveway on the west side of the property, which will become wider in the rear of the lot to accommodate a turn-around. He stated that a 12-foot width will allow easy access, given the long driveway length. The 12-ft size is fairly common for residential properties. The Fire Marshal prefers that driveways be a minimum of 12 feet in width for emergency vehicle access. Member Shannon expressed concern with the large expanse of asphalt. Member Vlietstra suggested that the driveway be constructed narrower at the street, and then wider toward the house.

The Board next reviewed Part 2 of the SEQR Environmental Assessment Form. Member Vlietstra explained that most of the categories do not apply to this property as discussed in the Board's August 20, 2018 meeting. The Board discussed the remaining categories:

- Lighting – the applicant is using light fixtures that are code compliant and the brightness is typical for a residential property. Lighting will have a small impact or no impact.
- Aesthetic Resources – The garage is located behind the house in the least visible location. There will be small impacts to aesthetic resources.
- Historic Resources - An attached addition previously existed on the back of the building. Comments received from the Architectural and Preservation Review Board (APRB) stated that cobblestone buildings often have dissimilar additions added to them and the proposal is similar to the treatment of other cobblestone buildings in Monroe County. The materials and skills to build new cobblestone structures do not exist; it is not reasonable to expect the garage be built in the same manner as the existing cobblestone building. The garage will be attached to the cobblestone building in such a manner that will not permanently alter the cobblestone structure and will make it possible to restore the building in the future. Windows and some materials will be altered on the historic structure but the applicant has tried to ensure they are visually compatible with the

original materials. Review of architectural details is still in progress but these are not potentially significant environmental issues. Commentary from the building inspector and fire marshal was received that indicated that the attached garage behind the house is the best alternative; a detached garage presented issues with maintenance and potentially with fire code. The Board concluded that there will be small impacts to Historic resources.

- Consistency with community plans - the property is zoned residential and the proposed use is residential. The application is consistent with surrounding land use patterns and zoning plans.
- Consistency with community character - the property is zoned residential and the proposed use is residential. The scale and use is consistent with existing community character.

The Board completed part 2 of the EAF to reflect these discussions and the August 20, 2018 discussions.

The Board then filled out Part 3 of the EAF - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance (FEAF). Upon review of the information recorded on the EAF, plus APRB comments, Historic Pittsford's comments, the Fire Marshal and Building inspector memorandums, and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the ZBA as lead agency that this project will result in no significant adverse impacts on the environment and therefore, a negative declaration is issued.

Motion: Chairperson Vlietstra made a motion, seconded by Member Stetzer, to adopt Part 2 and Part 3 of the FEAF as discussed.

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Stetzer - yes. *Motion carried.*

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to adopt Resolution 2018-16, adopting a negative declaration of environmental significance.

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Stetzer - yes. *Motion carried.*

2018-16 RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE

WHEREAS, on August 15, 2018 Dan Brault (the "Applicant") submitted an application for an area variance and site plan approval for 17 Church Street (the "Application") to the Planning and Zoning Board of Appeals of the Village of Pittsford (the "PZBA"), and

WHEREAS, the Applicant prepared Part One of the Full Environmental Assessment Form ("FEAF") dated August 9, 2018, and

WHEREAS, on August 20, 2018 the Zoning Board of Appeals ("ZBA") passed a resolution declaring itself to be lead agency for the Application and referred the Application to the Architectural Preservation Review Board ("APRB") for review and comment, and

WHEREAS, the APRB consented to the ZBA assuming lead agency status and offered comments on the Application, and

WHEREAS, on September 28, 2018 the Fire Marshall offered written comments on the Application to the ZBA, and

WHEREAS, on October 3, 2018 the APRB offered written comments on the Application to the ZBA, and

WHEREAS, on October 3, 2018 Historic Pittsford offered written comments on the Application to the ZBA, and

WHEREAS, The ZBA has considered the Application, the FEAF, and communications from the APRB, and

WHEREAS, The ZBA has considered any relevant public input, and

WHEREAS, The ZBA has identified the relevant areas of environmental concern discussed more thoroughly in the attached negative declaration of environmental significance, and

WHEREAS, the ZBA has thoroughly analyzed the relevant concerns discussed in more detail in the attached negative declaration of environmental significance, and

WHEREAS, the ZBA has provided a reasoned elaboration for why the environmental concerns that were identified and analyzed will not be significant, and

NOW, THEREFORE, the ZBA hereby finds that enactment of the proposed Application will not have any significant adverse impacts on the environment.

AND THEREFORE, the ZBA makes the following findings in support of its decision to issue a negative declaration of environmental significance:

1. The Applicant submitted proof that a small wooded addition was added to the rear of the to the cobblestone building after 1842 and was removed in approximately 1890.
2. The proposed addition is located in an area that will be minimally visible to the public.
3. The garage will be attached to the cobblestone building in such a manner that will not permanently alter the cobblestone structure and will make it possible to restore the building in the future.
4. The cobblestone materials and masonry skills that would be needed to restore

the cobblestone structure are not presently available.

5. The structure is in a residential neighborhood where the other residences have driveways that are, for the most part, between 8 and 12 feet wide and 60 to 100 feet long.

AND THEREFORE, the ZBA of the Village of Pittsford further resolves to adopt a negative declaration of environmental significance with respect to the adoption of the proposed Application.

AND THEREFORE, the ZBA of the Village of Pittsford hereby adopts the attached negative declaration of environmental significance and incorporates it herein.

AND THEREFORE, the ZBA Recording Secretary is hereby directed to enter this resolution and the attached negative declaration of environmental significance in the minutes of this meeting.

AND THEREFORE, the ZBA Recording Secretary is hereby directed to transmit this negative declaration and resolution to the appropriate agencies in accordance with the requirements of 6 NYCRR 617.12(b).

AND THEREFORE, the ZBA Recording Secretary is hereby directed to transmit this negative declaration and resolution for publication in the Environmental Notice Bulletin ("ENB") as required under SEQRA, either by email at ENB@DEC.NY.GOV or by regular mail to ENB, NYS Department of Environmental Conservation, 624 Broadway, 4th Floor, Albany, New York 12233-1750.

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**Member Items:**

Attorney Zoghlin recommended the board vote on two additional resolutions related to 75 Monroe.

Member Vlietstra left the room at this time as he recused himself from matters involving 75 Monroe.

**Motion:** Susan Lhota made a motion, seconded by Member Shannon, to adopt Resolution 2018-17, authorizing Attorney Zoghlin to file a notice of intent to appeal the September 12, 2018 decision of Judge Ark.

**Vote: Shannon - yes; Vlietstra - abstain; Lhota - yes; Stetzer - yes. Motion carried.**

**Motion:** Susan Lhota made a motion, seconded by Member Shannon, to adopt Resolution 2018-18 to enter into a tolling agreement with PCP.

**Vote: Shannon - yes; Vlietstra - abstain; Lhota - yes; Stetzer - yes. Motion carried.**

**2018-17 RESOLUTION**  
**Village of Pittsford Zoning Board of Appeals**

At a special meeting of the Village of Pittsford Planning Board and Zoning Board of Appeals held at the Village Hall on the third day of October 2018 at 5:00 p.m. The meeting was called to order by Justin Vlietstra and upon roll being called, the following were present:

PRESENT: Justin Vlietstra  
Renee Stetzer  
Susan Lhota  
Jo Anne Shannon

Mindy L. Zoghlin, Esq., PZBA Attorney

ABSENT: None.

The following resolution was offered by Acting Chair, Susan Lhota, who moved its adoption, and seconded by Board Member Jo Anne Shannon to wit:

**WHEREAS**, on September 12, 2018, the Monroe County Supreme Court, Hon. John J. Ark presiding, issued a decision in the matter of Pittsford Canalside Properties, LLC v. Village of Pittsford Zoning Board of Appeals et al (Index No. 2015-11620) (the "Decision"), and

**WHEREAS**, the Village of Pittsford Zoning Board of Appeals wishes to take an appeal from the Decision,

**NOW THEREFORE, IT IS RESOLVED**, that Mindy L. Zoghlin is directed to file a Notice of Appeal from the Decision, and it is further

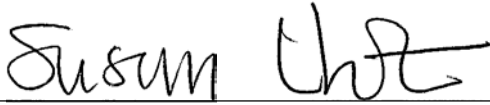
**RESOLVED**, that this Board ratifies the Notice of Appeal dated and filed October 1, 2018.

The question of the foregoing resolution was duly put to vote as follows:

- Justin Vlietstra - abstain
- Renee Stetzer - Yes
- Susan Lhota - Yes
- Jo Anne Shannon - Yes

Dated: October 3, 2018  
Pittsford, New York

By order of the Village of Pittsford Zoning Board of Appeals



Susan Lhota, Acting Chair

**2018-18  
RESOLUTION**

**Village of Pittsford Planning Board and Zoning Board of Appeals**

At a special meeting of the Village of Pittsford Planning Board and Zoning Board of Appeals held at the Village Hall on the 3rd day of October 2018 at 5:00 p.m. The meeting was called to order by Justin Vlietstra and upon roll being called, the following were present:

PRESENT: Justin Vlietstra  
Renee Stetzer  
Susan Lhota  
Jo Anne Shannon

Mindy L. Zoghlin, Esq., PZBA

Attorney ABSENT: None.

The following resolution was offered by Acting Chair, Susan Lhota, who moved its adoption, and seconded by Board Member Jo Anne Shannon to wit:

**WHEREAS**, the Village of Pittsford Zoning Board of Appeals received a request from Pittsford Canalside Properties to toll the statute of limitations to challenge statements made in her letter to PCP dated January 13, 2016 (the "January 13, 2016 Letter"), and

**WHEREAS**, on February 9, 2016, this Board entered into a Tolling Agreement with respect to the January 13, 2016 Letter, and

**WHEREAS**, on April 18, 2016, this Board entered into a First Amended Tolling Agreement with respect to the January 13, 2016 Letter, and

**WHEREAS**, on December 12, 2016, this Board entered into a Second Amended Tolling Agreement with respect to the January 13, 2016 Letter, and

**WHEREAS**, on January 9, 2018, this Board entered into a Fourth Amended Tolling Agreement with respect to the January 13, 2016 Letter, and

**NOW THEREFORE, IT IS RESOLVED** that PCP's request to extend the Tolling Agreement is granted and counsel may execute the proposed Fifth Amended Tolling Agreement, and it is further

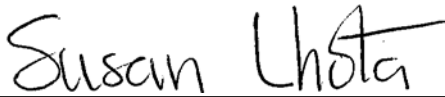
**RESOLVED**, that this Board ratifies the Fifth Amended Tolling Agreement dated September 11, 2018.

**The question of the foregoing resolution was duly put to vote as follows:**

- Justin Vlietstra - abstain
- Renee Stetzer - Yes
- Susan Lhota - Yes
- Jo Anne Shannon - Yes

Dated:           October 3, 2018  
                  Pittsford, New York

By order of the Village of Pittsford Planning Board and Zoning Board of Appeals



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Susan Lhota, Acting Chair

Member Vlietstra returned to the meeting.

The Board discussed current activities before the Board of Trustees.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to adjourn the meeting at 7:00 pm.

**Vote:** Shannon - yes; Vlietstra - yes; Lhota - yes; Stetzer - yes. *Motion carried.*